



ENTERED
08/21/2008

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE

CHRISTOPHER A. BROWN and
HEATHER N. BROWN,

Debtors,

)
)
)
)
)
)
)
)

CASE NO. 08-32579-H3-7

MEMORANDUM OPINION

The court has considered the "Trustee's Qualified Objection to Property Claimed as Exempt" (Docket No. 23). The following are the Findings of Fact and Conclusions of Law of the court. A separate Judgment will be entered denying the objection without prejudice. To the extent any of the Findings of Fact are considered Conclusions of Law, they are adopted as such. To the extent any of the Conclusions of Law are considered Findings of Fact, they are adopted as such.

Findings of Fact

Christopher A. Brown and Heather N. Brown ("Debtors") filed a voluntary joint petition under Chapter 7 of the Bankruptcy Code on April 24, 2008. William G. West is the Chapter 7 Trustee.

Debtors claimed as exempt, under 11 U.S.C. § 522(d)(5),

a 75% ownership interest in two corporations, listed as "Closed but not Dissolved." Debtors listed the value of the property, and of their exemption of the property, as zero.

Trustee objected to this exemption, stating "The Trustee files this qualified objection to confirm that the value of the Debtor's exempted interest in the Asset is \$0.00, such that Debtors shall not be entitled to any of the proceeds received by the Estate from any subsequent liquidation of the Asset." (Docket No. 23).

The Trustee presented no evidence as to the value of the Debtors' interest in these closed corporations. Debtors presented no evidence. The only evidence before the court is the court's judicial notice of the contents of the file.

Conclusions of Law


Under Bankruptcy Rule 4003(c), the objecting party has the burden of proving that the exemptions are not properly claimed.

Nothing in the file supports Trustee's assertion that the exemption is not properly claimed. Trustee presented no evidence to support this assertion. The court concludes that Trustee has failed to meet the burden of proof as to the instant objection to exemptions.

Based on the foregoing, a separate Judgment will be entered denying the "Trustee's Qualified Objection to Property

Claimed as Exempt" (Docket No. 23) without prejudice.

Signed at Houston, Texas on August 21, 2008.

A handwritten signature in black ink, appearing to read "LZ Clark", written over a horizontal line.

LETITIA Z. CLARK
UNITED STATES BANKRUPTCY JUDGE